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## **Japan**

## **Biotechnology**

## **MAFF's Biotech Food Labeling Standards**

**(Revised)**

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**Report Highlights:** This report updates JA9154 originally submitted December 3, 1999. During September 2001, the Ministry of Agriculture, Forestry and Fisheries (MAFF) announced a revised labeling proposal that requires high oleic acid soybean oil made from high oleic acid GM soybeans be labeled as "GM high oleic soybean oil". Back in November 1999, MAFF released its original biotech food labeling proposal for public comment. Subsequently, MAFF implemented mandatory biotech labeling of 24 foods made from corn and soybeans beginning April 1, 2001. A full unofficial FAS/Tokyo translation of MAFF's proposal is attached.

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Includes PSD changes: No  
Includes Trade Matrix: No  
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## **MAFF Releases GM Food Labeling Standards**

On November 29, 1999 the Ministry of Agriculture, Forestry, and Fisheries (MAFF) released its GM food labeling proposal for public comment. Beginning April 1, 2001, MAFF requires labeling for 24 foods made from corn and soybeans, including tofu, corn snacks, and natto (fermented soybeans).

MAFF originally excluded oils and other highly processed foods made with genetically modified ingredients from the list because the absence/presence of GM content cannot be verified through testing since foreign DNA is destroyed during processing. However, on September 3, 2001, MAFF released a revised labeling proposal that requires high oleic acid soybean oil made from high oleic acid GM soybeans be labeled as "GM high oleic soybean oil". Though not yet announced, implementation date would likely be April 2002.

MAFF set 5% as an unofficial maximum threshold level for adventitious mixing of genetically modified content in products labeled as "not genetically modified". If adventitious mixing of GM content in foods labeled as "non-GM" is found to be exceeding 5%, even though segregation procedures are followed, MAFF instructs the manufacturer to correct the labeling.

The following is an unofficial FAS/Tokyo translation of revised MAFF's GM food labeling proposal.

# Genetically Modified Food Labeling Standards (Draft)

Ministry of Agriculture, Forestry and Fisheries

## Article 1. Scope

This standard applies to processed foods and to perishable foods.

## Article 2. Definitions

Term/definition

**Designated agricultural products:** Agricultural products which have some crops developed by recombinant DNA techniques in their category and are listed in Attached Table 1. (Recombinant DNA technique is a technological method of dividing DNA and recombining them using enzymes, etc., and transplanting the recombinant DNA into live cells for propagation. Same applies hereinafter.)

**Genetically modified agricultural products:** Agricultural products that have been obtained through recombinant DNA techniques.

**Non-GM agricultural products:** Agricultural products that belong to the category of designated agricultural products but are not genetically modified agricultural products themselves.

**Specified GM agricultural products:** Agricultural products that belong to the category of designated agricultural products whose composition, nutritional values, etc., are significantly different from conventional agricultural products due to their production through the recombinant DNA techniques.

**Non-specified GM agricultural products:** Designated agricultural products that are not specified GM agricultural products.

**Identity preserved handling:** Management method in which segregation between genetically modified agricultural products and non-GM agricultural products is accomplished, under the care of a good manager at each stage of production, distribution and processing. Further, it must be verified by using documents clearly indicating that segregation has been made.

**Specified Identity preserved handling:** Management method in which segregation between specified genetically modified agricultural products and non-specified GM agricultural products is accomplished, under the care of a good manager at each stage of production, distribution and processing. Further, it must be verified by using documents clearly indicating that segregation has been made.

**Major ingredients:** Ingredients that are ranked within the top three constituents in terms of the ratio of weight they occupy, and the weight ratios of which account for five or more percent of the total.

## Article 3. Labeling method

[1] As for foods processed from GM agricultural products (including foods subsequently processed from such

foods) listed in the following sub-articles, the following declarations are required:

Producers, manufacturers, packers or importers (or retailers when retailers are nominated to do the labeling based on the agreement with the producers, manufacturers and packers) must indicate the following information on the container or the package of the designated agricultural products as well as the items required by Article 4 of the Processed Food Quality Labeling Standard. This obligation, however, may not be applied when the labeling space of the containers or packages of the products is 30 cm<sup>2</sup> or less in size.

(1) For designated agricultural products listed in the left column of Attached Table 2 as the products in which recombinant DNA or the resulting protein still exists even after processing (except those listed in the following (2))

1. In the event that an ingredient is a GM agricultural product listed in the right column of Attached Table 2 and if it is confirmed that it has been treated under an identity preserved handling, regardless of the provision of 6 of Article 3 of the Processed Food Quality Labeling Standard, it shall be declared that the ingredient is a genetically modified agricultural product by printing in parentheses words representing GM, or segregated GM following the name of the ingredient.

2. In the event that an ingredient is a designated agricultural product listed in the right column of attached Table 2 and if the product has been produced, distributed, or manufactured without segregation between genetically modified agricultural products and non-GM agricultural products, regardless of the provision of 6 of Article 3 of the Processed Food Quality Labeling Standard, it shall be declared that such segregation has not been made for the ingredient by printing in parentheses words representing GM and non-GM not segregated, following the name of the raw material.

3. In the event that an ingredient is a GM agricultural product listed in the right column of attached Table 2 and if it is confirmed that the product has been treated under an identity preserved handling, the name of the food shall be declared;

or (in the case that it is made of only one ingredient) the name of the ingredient should be omitted with respect to the provision of 6 of Article 3 of the Processed Food Quality Labeling Standards;

or it shall be declared that the ingredient is a non-GM agricultural product treated under an identity preserved handling by printing in parentheses words representing non-GM or non-GM segregated following the name of the ingredient.

(2) For processed foods (including foods subsequently processed from such foods) listed in the center column of Attached Table 3, and containing an ingredient listed in the right column of Attached Table 3 with characteristics of specified GM agricultural products listed in the left column, the following indications are required:

1. In the event that an ingredient is a GM agricultural product listed in the right column of Attached Table 3 and if it is confirmed that it has been treated under a specified identity preserved handling, regardless of the provision of 6 of Article 3 of the Processed Food Quality Labeling Standard, it shall be declared that the ingredient is a genetically modified agricultural product by printing in parentheses words representing genetically modified, such as "(characteristic of the product) GM segregated" or "(characteristic of the product)

GM", following the name of the ingredient.

2. In the event that an ingredient is a specified GM agricultural product listed in the right column of attached Table 3 and if the product has been intentionally mixed with non-specified GM products, regardless of the provision of 6 of Article 3 of the Processed Food Quality Labeling Standard, it shall be indicated that the ingredient is mixed by printing in parentheses words representing specified GM and non-specified GM are mixed, following the name of the ingredient. In those cases, the weight percent of the specified GM product in the ingredient from the same species may be printed in parenthesis after the label showing the mixing.

[2] As for the labeling of designated agricultural products, the following declarations are required for the retailers in addition to the items which are required by Article 4 of the Perishable Food Quality Labeling Standard:

(1) Designated agricultural products except those listed in the following (2)

1 In the event that the genetically modified agricultural product is confirmed to be handled under an identity preserved handling, it shall be indicated that the designated agricultural product is a genetically modified agricultural product by printing in parentheses words representing genetically modified following the name of the food.

2 In the event that the designated agricultural product has been produced or distributed without segregation between genetically modified and non-GM agricultural products, it shall be declared that segregation has not been made for the agricultural product by printing in parentheses words representing GM not segregated following the name of the agricultural product.

3 In the event that the designated agricultural product is a non-GM agricultural product and if it is confirmed that the product is a non-GM agricultural product treated under an identity preserved handling, only the name of the GM-labeled agricultural product shall be indicated; or it shall be mentioned that the agricultural product is a non-GM agricultural product treated under an identity preserved handling by printing in parentheses words representing non-GM or non-GM segregated following the name of the perishable food.

(2) Agricultural products listed in the right column of attached Table 3, with characteristics of specified GM agricultural products listed in the left column, the following indications are required:

1. In the event of a GM agricultural product listed in the right column of attached Table 3 and if it is confirmed that it has been treated under a specified identity preserved handling, it shall be declared that the agricultural product is a genetically modified agricultural product by printing in parentheses words representing genetically modified, such as "(characteristic of the product) GM segregated" or "(characteristic of the product) GM", following the name of the ingredient.

2. In the event of a specified GM agricultural product listed in the right column of attached Table 3 and if the product has been intentionally mixed with non-specified GM products, it shall be indicated that the ingredient is mixed by printing in parentheses words representing specified GM and non-specified GM are mixed, following the name of the ingredient. In those cases, the weight percent of the specified GM product in the ingredient from the same species may be printed in parenthesis after the label showing the mixing.

[3] Although identity preserved handling has been performed, there is a possibility that a certain amount of genetically modified agricultural products may be unintentionally commingled into non-GM products. In this case, as far as the confirmation procedures provided for in [1] (1), [1] (3), [2] (1), and [2] (3) of this Article have been properly followed, the products shall be regarded that an identity preserved handling is properly preformed, as provided in [1] and [2] of this Article.

#### Article 4. Processed Foods Not requiring Labeling

[1] For processed foods listed in attached Tables 2 and 3 which contain designated agricultural products or processed foods which are made of designated agricultural products but are not main ingredients, the labeling showing that it is non-GM or GM treated under an identity preserved handling, non-GM and GM not segregated, specified GM product treated under a specified identity preserved handling or specified GM intentionally mixed with non-specified GM (called labeling concerning GM hereinafter) is not necessary. However, the provisions of [1], [3] and [4] of Article 3 can be applied to ingredients that are designated agricultural products, if the products carry labeling concerning GM.

[2] For processed foods not listed in attached Tables 2 and 3, labeling concerning GM is not necessary. However, the provisions of [1] and [3] of Article 3 must be applied to ingredients that are designated agricultural products if the products carry labeling concerning GM.

#### Article 5. Labeling Prohibitions

Article 6 of the Processed Food Quality Labeling Standard and of the Perishable Food Quality Standard provide words that must not be printed on processed foods and perishable foods, respectively. In addition, no words representing non-GM shall appear either on agricultural products that belong to crop items other than those which were developed by recombinant DNA techniques or on foods processed from such products.

#### Table 1 (Related to Article 2)

1. Soybean (including green soybeans and soybean sprouts)
2. Corn
3. Potato
4. Rapeseed
5. Cottonseed

**Table 2 (Related to Article 3)**

Items subject to labeling	Ingredient to be labeled
1. Tofu (soybean curd) and fried tofu	Soybean
2. Dried soybean curd, soybean refuse, yuba	Soybean
3. Natto (fermented soybean)	Soybean
4. To-nyu (soy milk)	Soybean
5. Miso (soybean paste)	Soybean
6. Cooked soybean	Soybean
7. Canned soybean, bottled soybean	Soybean
8. Kinako (roasted soybean flour)	Soybean
9. Roasted soybean	Soybean
10. Item containing food of items 1 to 9 as a main ingredient	Soybean
11. Item containing soybean (for cooking) as a main ingredient	Soybean
12. Item containing soybean flour as a main ingredient	Soybean
13. Item containing soybean protein as a main ingredient	Soybean
14. Item containing edamame (green soybean) as a main ingredient	Edamame
15. Item containing soybean sprouts as a main ingredient	Soybean sprouts
16. Corn snacks	Corn
17. Corn starch	Corn
18. Popcorn	Corn
19. Frozen corn	Corn
20. Canned or bottled corn	Corn
21. Item containing corn flour as a main ingredient	Corn
22. Item containing corn grits as a main ingredient	Corn
23. Item containing corn (for processing) as a main ingredient	Corn
24. Item containing food of items 16 to 20 as a main ingredient	Corn

**Table 3 (Related to Article 3)**

Characteristic	Processed food	Designated agricultural product
High oleic acid	1. Containing soybean as a main ingredient (excluding those without the characteristic listed in the left column by de-fatting) 2. Containing an item listed in [1] as a main ingredient	Soybean

Implementation of Labeling

1. This public notification shall be enforced on the enforcement day of the Law for the partial modification of the Law Concerning Standardization and Proper Labeling of Agricultural and Forest Products (Law N. 108 of 1999) and shall apply to the processed foods manufactured, processed or imported, and to the perishable foods sold after April 1, 2001.

2. The list of designated agricultural products in attached Tables 1 and 3 and the list of processed foods in attached Tables 2 and 3 shall be updated every year taking into consideration the following:

- commercialization of new genetically modified agricultural products;
- actual situation concerning the distribution and use as raw materials of generically modified agricultural products;
- actual situation concerning the removal and dissolution of the recombinant DNA and the resulting protein;
- new findings about progress in detection methods;
- consumers concerns.

3. This public notification shall be reviewed taking into consideration the following, in addition to the items mentioned above 2:

- the actual situation concerning the treatment of genetically modified agricultural products and processed foods which were made of them at their production, manufacturing, distribution, and processing sites;
- advancements in international standard elaborations.